

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

CRIMINAL 05-0350CCC

DIEGO ANDRES FERRER-RODRIGUEZ

Defendant

O R D E R

Defendant Diego Andrés Ferrer-Rodríguez filed pro se on January 17, 2007 a Motion to Request the Court to Consider as Served the Probation Period Imposed (**docket entry 16**), which is, in essence, a petition for early termination of his probation term. Defendant was sentenced on February 16, 2006 to serve a three-year probationary term after being convicted for embezzlement against estate under 18 U.S.C. § 153 (see docket entry 13). Pursuant to 18 U.S.C. §3564(c), a request for early termination of a previously ordered term of probation in felony cases may only be considered by the Court if the defendant has already served at least one year of the term imposed. As defendant here has still not served that minimum term of one year required by the statute, his request for early termination is DENIED for lack of jurisdiction.¹

SO ORDERED.

At San Juan, Puerto Rico, on January 19, 2007.

S/CARMEN CONSUELO CEREZO
United States District Judge

¹ Meeting the minimum term will allow defendant to re-file the motion, but he will then need to demonstrate to the Court that, in light of the applicable factors established in 18 U.S.C. §3553(a), early termination is warranted by his conduct and the interest of justice. In his motion defendant has merely stated that his behavior during the probationary period has been “excellent” and that all the conditions imposed “have been met and observed.” Motion (docket entry 16), at ¶2. Defendant is forewarned that said alleged exemplary behavior is what the Court expects from all probationers and will not be enough, without more, to justify the early termination requested.